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## BOOK REVIEWS

*A Congressional History of Railways in the United States to 1850.* By LEWIS HENRY HANEY. Madison: University of Wisconsin, 1908.

*A Congressional History of Railways*, as its name implies, is a review of the discussions in Congress over railways and railway legislation, and a recital of the efforts which were made to secure the interest of congressmen in various railway projects, usually for the purpose of securing financial aid of some sort in carrying out the ideas of the promoters. Dr. Haney, who since the appearance of this work has become connected with the University of Michigan, and also with the Division of Accounts and Statistics of the Interstate Commerce Commission, plans in a later volume to bring the history of congressional legislation down to the present time.

The author has divided the present work into three parts of unequal length. Book I covers the "Rise of the Railway Question" and describes the various proposals, more or less impracticable, made by such men as Oliver Evans, William Strickland, and John Stevens to construct or operate steam railroads with or without the aid of Congress. Congress showed a mild interest in the subject but offered no support, except to authorize the government surveyors to lend their assistance in laying out the routes of the Baltimore & Ohio, and the Charleston & Hamburg railroads. Questions as to the utility of railroads, the modes of constructing them, and the principles governing railway rates, received some attention at the hands of Congress, and the current ideas, as to the relative advantages of railroads and canals are well illustrated in the debate in Congress between the friends of the Chesapeake & Ohio Canal and the Baltimore & Ohio Railroad. By 1840 the railroads had, in the minds of most congressmen, shown their superiority over both canals and turnpikes as means of general transportation.

Book II is entitled "Aid to Railways." It discusses the various efforts made to secure financial assistance of some sort from Congress in aid of railway construction. At about the time that the railway made its appearance and demonstrated its practicability, the political movement in opposition to granting assistance by the federal government in aid of internal improvements was in full swing, and during the period covered by this essay little real assistance was furnished to the railroads by the federal government. The plan of allowing the government surveyors to assist in laying-out railway and canal routes was continued until about 1838. It then appeared that these surveys were frequently being used to promote purely sectional and local interests and the act authorizing the use of federal surveyors was repealed. As a further means of assisting the railroads Congress was induced for a period of about nine years to remit duties on imported rolled iron used in railway construction, but the opposition of the iron-manufacturing interests finally caused a repeal of this act in 1841. Efforts were also made to induce Congress to aid the railroads by purchasing shares of their capital stock, by making loans to be repaid by services rendered in

the transmission of the mails, and by allowing the railroads pre-emption rights to a portion of the public lands, but none of these plans succeeded.

Such land grants as were made to the railroads prior to 1850 took the form either of rights of way through the public lands or the allowance of a portion—from 2 to 5 per cent.—of the proceeds of the sales of public lands made within a state. This latter grant was not made specifically to railroads but was in aid of internal improvements of which railroads might form a part. It was not until 1850 when the large land grant was made to the state of Illinois in aid of the Illinois Central Railroad that Congress was induced to grant aid specifically in favor of railroads. The present essay, therefore, brings us merely to the threshold of the subject. Dr. Haney differs from Dr. Sanborn, however, in that he holds that congressional grants of rights-of-way through the public lands in reality established the principle of land grants in aid of railroads.

The most interesting and valuable chapter in the book is the one entitled "Congressional Philosophy of Land Grants," in which Dr. Haney undertakes to show what ideas prompted congressmen in their attitude toward land grants in aid of internal improvements. During the earlier years of agitation the notion that grants of land in aid of railways would assist in raising the price of all the government lands seems to have been the dominant motive, but later this very idea met opposition on the part of the western congressmen who desired that the land be granted on easy terms to the roads as well as to settlers, or else that the grants be made to the states without restriction. The argument was advanced that the lands were in reality not the property of the federal government, but belonged to the states in which they lay. Sectionalism thus played a part in the debates over the government's land policy, but the controversy was not alone between the West and East, but between the North and South as well. Southern congressmen were embarrassed by conflicting motives. There was the well-rooted opposition to the policy of federal aid for internal improvements and extension of federal authority on the one hand, but on the other hand there was the desire to conciliate the West and gain its support in the slavery struggle. In discussing this phase of the subject Dr. Haney seems to have made too much of the tariff influence and not enough of the desire of southern statesmen to make use of a liberal land-grant policy to extend the plantation system upon whose extension the continuation of cotton cultivation by means of slave labor depended.

Book III gives a history of several schemes, mostly visionary and all impracticable, for the construction of a Pacific railroad to which their supporters sought to commit Congress in the hope of securing financial assistance. Some of these plans contemplated a railway at the Isthmus of Panama while other were for a Pacific railroad within the United States.

Dr. Haney's monograph is a well-written and thorough piece of investigation. The author has relied mainly upon congressional documents for his material and few measures or proposals seem to have escaped his notice. Yet the results of this investigation are very meager and one is inclined to ask whether in view of this fact the publication of the monograph at this time and in its present form was well-advised. Very few of the measures having to do with railroads brought before Congress prior to 1850 passed that body or

appear to have had much hope of passing. Most of them were not worthy of serious attention and hardly any of them seem to have exercised any influence on legislation subsequent to 1850. The truth of the matter is that the legislative history of our railways down to 1850 is written not in congressional documents but in the proceedings of our state legislatures.

Had the material contained in this monograph been greatly condensed it would have served as a valuable introduction to the *real* congressional history of railways which properly begins in 1850—where this essay leaves off. Dr. Haney's second volume will doubtless be equally well done and will contain material of greater intrinsic value to economists and historians.

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*English Society in the Eleventh Century: Essays in English Mediaeval History.* By PAUL VINOGRADOFF. Oxford: Clarendon Press, 1908. Pp. xii+599.

This book is a welcome addition to the studies on Domesday Book which have appeared in recent years. The purpose of the writer, as indicated in the preface, is to give a view of English society as it is recorded in the "Great Survey," using earlier and later facts only so far as they throw light on the material contained in the central source. The book is encyclopedic and terminological in character. The first of the two essays into which the work is divided treats of the action of political forces on society in the three aspects of "Military Organization," "Jurisdiction," and "Taxation." In the second essay the economic factors and the ranks of society are considered under the headings, "Land Tenure," "Rural Organization," and "Social Classes."

The general results of Professor Vinogradoff's investigations tend to strengthen the view presented in his earlier works (*Villainage in England* and *The Growth of the Manor*), that beyond Domesday there had been an England of free villages. Of especial interest in this connection is the emphasis placed upon the differences in the institutional development of the North and South of England. The institutions of the Danelaw represent Anglo-Saxon conditions of earlier centuries, a theme which is worked out to suggestive conclusions. Good examples of the method are furnished by the sections on military and judicial organization. In the eleventh century the *here* was still composed of the small freemen, but service in the *fyrð*, except when for the defense of the home counties, was attached to land-holding, and one warrior from five hides seems to have been the general practice. This distinction is important because of its bearing on the question of knights' fees. In the Danelaw with its small estates the feudal institutions of the Norman conquerors found an uncongenial soil, and the knights' fees were consequently large and irregular, but the large, compact estates of the South lent themselves to more systematic apportionment of military service, and Professor Vinogradoff believes, contrary to the views of Round and Maitland, that here there existed normal knights' fees. These were the large fee of about five hides and the small, or Mortain, fee of two or three hides, representing respectively the service of a heavy- and a light-armed knight. Another significant difference between North and South is found in the organization of private jurisdiction. In the South the soke is